

CGB-CC-0816

Received & Inspected

JUN 3 0 2008

FCC Mail Room



**Swamp City Productions**

440 Sawgrass Corporate Parkway, Suite 102  
Sunrise, FL 33325  
(954) 845-7110

**PETITION FOR TEMPORARY EXEMPTION FROM THE CLOSED  
CAPTIONING REQUIREMENTS ON THE BASIS OF UNDUE BURDEN**

**BACKGROUND**

Swamp City Productions is a small (under 10 on staff) production company located in Sunrise, Florida that airs national and regional programming. We opened our doors for business in August 2007. Since that time, we have aired only two (2) programs – both of which we went through the expense of closed captioning. We are currently working on producing programs titled What the Stuff – Outdoor Adventure (airing on the Outdoor Channel), The Life for Me (airing on RSN), and Sunday Stays & Getaways (airing on the Inspiration Network). While these programs do air on a national and regional basis – they only air a maximum of three (3) times (sometimes one or two airings are “overnights”). As a company, our primary focus is providing our show participants with a well-produced video segment for streaming on the Internet, not necessarily for national airing.

As we continue in the process of producing these segments and programs, we have recognized the need to vastly reduce costs in order to make ends meet and have a viable company for the future. Although we have complied previously with the closed captioning requirements, due to financial restraints, we need time and a larger and more stable client base to help us allow for this. Nearing the one year anniversary of this business, Swamp City Productions has not yet begun to turn a profit. Additionally (and luckily), the facility which we own has been mortgaged through family members and we were given one year “mortgage-free” as a way to help us get ourselves established. In the coming months we will need to begin to pay mortgage, which, based on current financial figures, will severely cut any cash flow. Currently, company owners are only taking minimum wage for pay to help keep the company afloat.

**REASONS: WHY CLOSED CAPTIONING IMPOSES AN UNDUE BURDEN AS A  
VIDEO PROGRAMMING PRODUCER**

Multiple reasons exist as to why requiring closed captioning for Swamp City Productions' programming creates an undue burden:



- **Nature and cost of the closed captioning for the programming.**

Our programs consist of multiple segments with interviews and voiceovers. All segments include an 800 number and/or website that appears twice within the segment on the lower third of the screen for viewers to obtain further information. Additionally, at the end of the program the show's website is also set as a slate on screen so that viewers can find all companies featured in the show on-line.

In order to prepare the program to send to a closed captioning facility, an assistant on the Swamp City Productions team has to watch and script the entire program. Since we are unable to afford to hire someone to be on staff to do this job role, we take an assistant away from dealing with client relations, answering the phone and other secretarial duties to do this task. Following the exemption period, Swamp City Productions hopes to have an additional person on staff and this task would be part of the job requirement.

Once the program is scripted, it is sent to a local facility to encode with the closed captioning and tapes are then dubbed at that facility to send to stations/networks. In some cases, multiple copies are necessary to provide multiple local stations with the program – we do not have the capability to dub the tapes with closed captioning in house, therefore, it causes an additional expense for each of these tapes. The total cost for our first program was **\$537.25** through the video service (see APPENDIX A for a copy of the invoice). The entire show only cost in total \$13,000 to video, script, voiceover, edit and air the entire show (with closed captioning; therefore, closed captioning consisted of 4% of the program's budget). Additionally, please note that credit has not been established with the video production service providing the closed captioning encoding, therefore, it must be paid cash in advance.

We have also investigated purchasing a compatible DVC deck (which allows for encoding), as well as encoding and diction software. The costs of these two necessary products would amount to over \$15,000 – far out of the budget at the moment.

- **The impact on the operation of the provider or program owner.**

As a new production facility, Swamp City Productions is trying to become self-sufficient from script-to-screen. In order to keep costs at a minimum and provide a valuable product to our clients, it is necessary to be able to keep all tasks possible in-house. By outsourcing closed captioning to a local facility, we are leaving room for error, as well as possibly allowing for airing delays should the facility not provide tapes within a timely manner (which happened the first time around, hence the discount of \$57 in APPENDIX A).

- **Type of operations of the provider or program owner.**

Swamp City Productions strives to create feature segments for clients to air at trade shows or via the Internet. Our national/regional broadcast airings are meant to supplement this videography usage. While these programs do air



nationally and/or regionally, the main focus of our business is to provide clients with one (1) to five (5) minute segments highlighting their business for use through alternate means than broadcast or cable television. Please see APPENDIX B for the company's profit and loss statement year-to-date.

- **Availability of phone number/website for viewer to call or review to obtain further information.**

For each segment produced within a program, the participant's phone number and/or website is shown in a lower third graphic to send the viewer somewhere to obtain further information. Additionally, at the end of the program, viewers are directed to the program's website, as well as Swamp City Productions website to find more information and links to the products/locations reviewed within the program. Should anyone write in to our email info lines via the websites for a transcript of the program, we would be happy to provide it as soon as it could be transcribed.

As a company, we understand the FCC reviews each petition individually. Following you will find our detailed request which provides benchmarks that will help minimize the burden of compliance with the rules set forth by the FCC.

## **PETITION REQUEST**

At this time, Swamp City Productions is seeking a two (2)-year temporary exemption from providing closed captioning on the programs our company produces. Following the two-year period we hope to have funds in reserve that will either allow us to pay a closed captioning house or invest in the technology to do it ourselves on each program. If we are unable to afford either of these options at that time, we will consider re-petitioning.

We feel we should be granted a temporary exemption until August 31, 2010 for the following reasons:

1. We do have plans of complying with the FCC's requirements as soon as budget allows. This request is not for a permanent exemption, just for a period of time to allow the company time to establish clientele.
2. The extension will allow the company time to establish clientele, as well as research technology available, and purchase the appropriate equipment as budget allows.
3. If we are able to purchase the equipment, we would also like to have the ability to provide other local companies with this service. This may make it affordable for other small companies like ourselves to be able to comply with FCC requirements.



## **SUMMARY**

As an up-and-coming full service production facility we have every intention of becoming capable to encode our programs in-house with closed captioning in years to come. As with any business, it takes time to build the core of the business first, then, as budgets allow, we will add peripherals. While the closed caption audience are certainly of value as potential viewers of our programs, we must first get over the hurdle of signing on clients that can share in this commitment.

Should the FCC decide to provide us with this temporary exemption, and Swamp City Productions becomes the viable company we believe it can be, we will stand by our word and find a way to provide closed captioning on our programming beginning September 1, 2010.

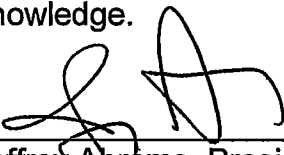
# AFFIDAVIT

State of Florida  
County of Broward

BEFORE ME, the undersigned Notary,

Jheanette James, on this 24 of June, 2008,  
personally appeared Jeffrey Abrams and Samara Abrams, personally known to me to  
be a credible people and of lawful age, who being by me first duly sworn, on her oath,  
deposes and says:

The information included in Swamp City Productions request for temporary closed  
captioning exemption dated June 23, 2008, is true and accurate to the best of their  
knowledge.

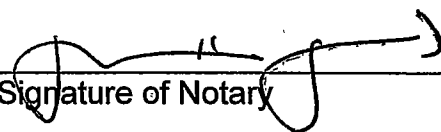
  
\_\_\_\_\_  
Jeffrey Abrams, President, Swamp City Productions

Samara Abrams  
\_\_\_\_\_  
Samara Abrams, Secretary/Treasurer, Swamp City Productions

440 Sawgrass Corporate Parkway, Suite 102  
Sunrise, FL 33325

Subscribed and sworn to before me, this 24 day of June, 2008.

Notary Seal:

  
\_\_\_\_\_  
Signature of Notary  
Jheanette James  
\_\_\_\_\_  
Name of Notary

NOTARY PUBLIC-STATE OF FLORIDA  
Jheanette James  
Commission #DD717409  
Expires: SEP. 20, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.

NOTARY PUBLIC

My commission expires: September, 2011



# APPENDIX A

## Invoice for Closed Captioning



Accord Productions, Inc.  
2140 South Dixie Highway, Ste 301  
Miami, Florida USA 33133  
305-856-1245 Fax 305-856-9101

6282 North Andrews Avenue  
Ft. Lauderdale, Florida USA 33309  
954-771-0740 Fax 954-771-1341

www.accordproductions.com

TIN: 65-0048546

## Invoice

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### SWAMP CITY PRODUCTIONS

ATTN: JEFF ABRAMS

440 SAWGRASS CORPORATE PKWY, SUITE 102  
SUNRISE, FL 33325

Invoice #: 2-188719

Invoice Date: 12/11/2007

Terms: DEPOSIT ON  
FILE

954-845-7140 Fax 954-845-7147

Job Name: SUNDAY STAYS & GETAWAYS		Job #:		P.O. # J. ABRAMS		
Description	Qty.	Rate	Discount	Tax	Total	
Work Order #2-52547      Job Date: 12/7/2007						
CLOSE CAP/SUB TITLE/ 26-30 MIN SUPPLIED TRANS	1.00	350.00 /Unit	52.50	0.00	297.50	
KAISER, JIM	4.00	0.00 /Hour		0.00	0.00	
SONY BCT-D32 DIGITAL BETA TAPESTOCK	1.00	35.00 /Unit	5.25	1.79	29.75	
BETACAM SP (6-10) COPIES 21-30 MINUTES W/SONY	6.00	35.00 /Unit		12.60	210.00	
KAISER, JIM	4.00	0.00 /Hour		0.00	0.00	

Discount as , client experienced many interruptions due to lack of  
personnel./cw  
PAID CK# 1036

1 DIGIBETA NTSC MASTER RT;26MIN TO 1 DIGIBETA NTSC CLOSED CAPTIONED MASTER  
AND 6 BETASP NTSC COPIES W/CC.

\*\*\*CLOSED CAPTIONED BY:JIM KAISER\*\*\*

RB/CB:JK

Q:3/2

AS:1 BCT-D40 AND 6 BCT-30'S

\*\*\* JKAISER - Friday, December 07, 2007 1:30 PM \*\*\*

Total Discount 57.75

We Accept : AMEX, VISA & MasterCard Credit Cards

### Questions about your account ?

Call AntoinetteRey at 305-856-1245 ext. 1007 or e-mail arey@accordvideo.com.

Subtotal	537.25
Tax	14.39
Deposit (if any)	551.64
Invoice Total	0.00

